THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.3141 of 2007

Date: 20.02.2007

Between:

1. Volety Ravi Kumar, S/o.Kama Raju.
2. Ravinuthala Sri Sailakumari, W/o.Volety Ravi Kumar.

....Petitioners

and

The Joint Sub-Registrar, Registration and Stamps Department, Visakhapatnam.

....Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.3141 of 2007

O R D E R:

The petitioners state that thye purchased Flat bearing No.39 (G), 7th Floor Seashells Enclave, Waltair Uplands, Visakhapatnam, Visakhapatnam District admeasuring 1235 square feet with undivided share of 47 square yards and car parking of 100 square feet in premises bearing Door No.11-2-1/38 from G.N.Chawda. According to them, the sale deed executed by the vendor was presented to the respondent for registration. The grievance of the petitioners is that the respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said survey number. This writ petition is filed seeking appropriate directions to the respondent in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme

Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the respondent to receive and process the document presented by the petitioners and take necessary steps in accordance with the provisions of the Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

L.NARASIMHA REDDY, J

20th February, 2007.

Note: Issue C.C. in one week.

B/o

Kdl

---

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77